

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
ASHEVILLE DIVISION**

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**DENISE DARBY,**

Plaintiff,

vs.

**COMMISSIONER OF SOCIAL  
SECURITY,**

Defendant.

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**Civil No. 1:20-cv-00149-RJC-DSC**

**ORDER**

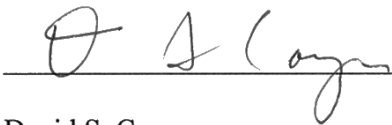
**THIS MATTER IS BEFORE THE COURT** on the Plaintiff's Consent Motion for Fees Pursuant to the Equal Access to Justice Act, 28 U.S.C. § 2412(d)(1)(A) ("EAJA") filed on June 14, 2022. Having reviewed the Motion, supporting materials, Memorandum in support, and the case file the Court determines that Plaintiff should be awarded attorney's fees under the EAJA in the amount of \$9,125.00.

**IT IS ORDERED** that Plaintiff's Motion for Fees Under the Equal Access to Justice Act 28 U.S.C. § 2412(d)(1)(A) is **GRANTED** to the extent that the Court will award attorney's fees in the amount of \$9,125.00, and that pursuant to Comm'r of Soc. Sec. v. Ratliff, 560 U.S. --, 130 S. Ct. 2521 (2010), the fee award will first

be subject to offset of any debt Plaintiff may owe to the United States. The Commissioner will determine whether Plaintiff owes a debt to the United States. If so, the debt will be satisfied first, and if any funds remain, they will be made payable to Plaintiff and mailed to her counsel. If the United States Department of the Treasury reports to the Commissioner that the Plaintiff does not owe a federal debt, the Government will exercise its discretion and honor an assignment of EAJA fees and pay the awarded fees directly to Plaintiff's counsel. No additional petition pursuant to 28 U.S.C. § 2412(d) shall be filed.

**SO ORDERED.**

Signed: June 14, 2022

  
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David S. Cayer  
United States Magistrate Judge

